

**Maryland Board of Pharmacy
Public Board Meeting**

**Agenda
December 19, 2018**

Name		Title	Present	Absent
Ashby, D.		Commissioner		
Bouyoukas, E		Commissioner		
Evans, K.		Commissioner		
Hardesty, J.		Commissioner/Treasurer		
Laws Jr, A.		Commissioner		
Leikach, N.		Commissioner		
Morgan, K.		Commissioner/President		
Oliver, B		Commissioner		
Peters, R.		Commissioner		
Rusinko, K.		Commissioner		
Toney, R.		Commissioner/Secretary		
Yankellow, E.		Commissioner		
Bethman, L.		Board Counsel		
Felter, B.		Staff Attorney		
Speights-Napata, D.		Executive Director		
Fields, E.		Deputy Director /Operations		
Evans, T.		Compliance Director		
Brand, E.		Licensing, Legislation and Regulations Manager		
Chew, C.		Management Associate		
I. Executive Committee Report(s)	A.) K. Morgan, Board President	<i>Members of the Board with a conflict of interest relating to any item on the agenda are advised to notify the Board at this time or when the issue is addressed in the agenda.</i>		

December 19, 2018

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)
	B.) R. Toney, Secretary	<ol style="list-style-type: none"> 1. Call to Order 2. Sign-in Introduction and of meeting attendees – (Please indicate on sign-in sheet if you are requesting CE Units for attendance) 3. Distribution of Agenda and packet materials 4. Review and approve November 2018 Public Meeting Minutes 	
II. A. Executive Director Report	D. Speights-Napata, Executive Director	<ol style="list-style-type: none"> 1. Operations Updates 2. Meetings Update <ul style="list-style-type: none"> I. Pharmacy School Committee Meeting Report--Deena and Steve B. II. New Staff Update: <ol style="list-style-type: none"> 1. Investigation Supervisor: Donna Goldberg 2. Inspector: Michelle Taylor 3. Licensing Secretary: Fredica Waller III. Rehabilitation Services Update IV. Office Closings: December 25th and January 1st V. State of Maryland Inclement Weather Policy 	
B. Operations	E. Fields, Deputy Director/ Operations	<ol style="list-style-type: none"> 1. Procurement and Budget Updates <ul style="list-style-type: none"> a: November 2018 Financial Statements 2. Management Information Systems (MIS) Unit Updates <ul style="list-style-type: none"> a: Systems Automation Enhanced Services 	
C. Licensing	E. Brand, Licensing, Legislation and Regulations Manager	<ol style="list-style-type: none"> 1. Unit Updates 2. Monthly Statistics 	

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		<table><tr><td>License Type</td><td>New</td><td>Renewed</td><td>Reinstated</td><td>Total</td></tr><tr><td>Distributor</td><td>16</td><td>0</td><td>0</td><td>1,323</td></tr><tr><td>Pharmacy</td><td>14</td><td>0</td><td>0</td><td>2,030</td></tr><tr><td>Pharmacist</td><td>67</td><td>440</td><td>0</td><td>12,036</td></tr><tr><td>Vaccination</td><td>36</td><td>9</td><td>0</td><td>4,681</td></tr><tr><td>Pharmacy Intern - Graduate</td><td>2</td><td>0</td><td>0</td><td>44</td></tr><tr><td>Pharmacy Intern - Student</td><td>11</td><td>16</td><td>0</td><td>899</td></tr><tr><td>Pharmacy Technician</td><td>114</td><td>293</td><td>4</td><td>9,805</td></tr><tr><td>Pharmacy Technician-Student</td><td>8</td><td>0</td><td>0</td><td>21</td></tr><tr><td>TOTAL</td><td>268</td><td>758</td><td>4</td><td>38,839</td></tr></table>	License Type	New	Renewed	Reinstated	Total	Distributor	16	0	0	1,323	Pharmacy	14	0	0	2,030	Pharmacist	67	440	0	12,036	Vaccination	36	9	0	4,681	Pharmacy Intern - Graduate	2	0	0	44	Pharmacy Intern - Student	11	16	0	899	Pharmacy Technician	114	293	4	9,805	Pharmacy Technician-Student	8	0	0	21	TOTAL	268	758	4	38,839	
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D. Compliance	T. Evans, Compliance Director	<div>1. Unit Updates</div> <div>2. Monthly Statistics</div> <div>Complaints & Investigations:</div> <div>New Complaints - 59</div> <div>• HIPPA Violation - 1</div>																																																			

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		<ul style="list-style-type: none"> • Applicant - 1 • Sterile Compounding - 1 • Customer Service Issues - 1 • Failure to Report to PDMP - 1 • Employee Pilferage - 3 • Dispensing Error - 3 • Refusal to Fill - 4 • Unprofessional Conduct - 4 • Medication Error - 4 • Disciplinary Actions in Another State - 8 • Inspection Issues - 13 • Invalid/Expired CPR - 15 <p>Resolved (Including Carryover) – 55 Actions within Goal – 44/55 Final disciplinary actions taken – 16</p> <p>Inspections:</p> <p>Total - 118 Annual Inspections -107 Opening Inspections -8 Closing Inspections -1 Relocation/Change of Ownership Inspections -2</p>	
E. Legislation & Regulations	E. Brand, Legislation and Regulations Manager	<p><u>Regulations</u></p> <p><u>Proposed COMAR 10.34.05.05 Security Responsibilities</u></p> <p><u>Proposed COMAR 10.34.32.03 D Requirements to Administer Vaccinations</u></p> <p><u>Proposed COMAR 10.34.30 Applications</u></p>	

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		<u>Proposed COMAR 10.34.09 Fees</u> <u>Legislation</u> <u>Generic Substitution Revision 12-504</u>	
III. Committee Reports A. Practice Committee	R. Peters, Chair	<u>Contraceptive Forms</u> Nicholas Ladikos Follow up questions: Just to be clear, we are looking for guidance on three specific, interrelated items for pharmacist-driven penicillin allergy skin testing in an acute care hospital. 1. Can a pharmacist obtain written consent by the patient? 2. Can a pharmacist administer the full scope of the test, and its three parts, i.e., scratch test, intradermal test, and oral test? 3. Can a pharmacist interpret and take action on the results of each part of the test? Proposed response: Even with the patient's consent, the proposed functions you have outlined are not within the scope of practice for a pharmacist. Please be advised that some of these functions may be permissible under a Drug Therapy Management Agreement and Protocol with an authorized prescriber in accordance with §12-6A, Health Occupations Article, Annotated Code of Maryland. If the Board approves the response, Linda will clear it with OAH. William Rollow Question: I am a Maryland-licensed physician. In our practice have had occasion to certify patients for medical cannabis on the	

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		<p>mmcc.health.maryland.gov website, often for pain. Would certification of a pharmacist for medical</p> <p>Proposed response:</p> <p>Under Health Gen. 13-3313 and 13-3314, the Board of Pharmacy may not take action against the pharmacist for being a certified patient or possessing a legal 30-day supply of medical cannabis. However, the Board could take action if the pharmacist was found to be practicing pharmacy while under the influence of cannabis.</p> <p>Board of Pharmacy At the Board meeting on November 21, 2018, the Board asked the Practice Committee to draft a policy statement on CBD products that contained more guidance than a referral to the DEA guidelines.</p> <p>Proposed policy statement:</p> <p>The DEA classifies CBD as a Schedule I substance regardless of conflicting state law. At this time, the Board is unable to provide additional guidance regarding this issue.</p>	

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B. Licensing Committee	D. Ashby, Chair	<p>1. Review of Pharmacist Applications:</p> <p>a. MZ- This individual has not filed an application. He wants to earn intern hours in order to get his pharmacist license. He has passed the FPGEE, but does not have the certification. In addition, he is requesting that the Board waive some intern hours based on work experience as a Board-certified Pharmacotherapy specialist (BSPS) with nine-years experience in a hospital (Joint Commission Accredited) and direct patient care outside of the USA. <u>Licensing Committee's Recommendation: Deny</u></p> <p>b. #115896- The applicant is requesting approval to re-take the MPJE exam for the 6th time. <u>Licensing Committee's Recommendation: Approve</u></p> <p>c. #114877- The applicant's application expired on 11/2/2018. She passed the MPJE exam on 11/21/2018. The applicant is requesting an extension of her MDBOP application. It will help her relocate with her husband, who is working at the US Coast Guard station in Washington, DC. <u>Licensing Committee's Recommendation: Approve</u></p> <p>d. #115206- The applicant is requesting an extension of his MDBOP application which will expire on 12/06/2018. The applicant states that his father passed in May 2018 and that he had to travel to Ghana for his funeral. He stayed in Ghana for 4 months for the funeral and to visit family. This stressful situation impeded his progress to prepare for the exams prior to scheduled deadlines. The</p>	

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		<p>applicant would like to take the exams in January 2019.</p> <p><u>Licensing Committee's Recommendation:</u> <u>Approve a 6-month extension</u></p> <p>e. #118733- The applicant is requesting the Board grant her permission to re-take the MPJE for the 6th time. In the alternative, she is requesting that the Board accept her previous MPJE score of 78 from 04/04/2016.</p> <p><u>Licensing Committee's Recommendation:</u> <u>Approve to retake the MPJE for the 6th time;</u> <u>deny request to accept the MPJE score of 78 from 4/4/2016</u></p> <p>f. #115169- The applicant is requesting approval to re-take the NAPLEX exam for an 8th time.</p> <p><u>Licensing Committee's Recommendation:</u> <u>Approve to retake the NAPLEX exam for the 8th time</u></p> <p>g. #118788- The applicant is requesting approval to re-take the NAPLEX exam for the 7th time.</p> <p><u>Licensing Committee's Recommendation:</u> <u>Approve to retake the NAPLEX exam for the 7th time</u></p> <p>h. JK- CE request</p> <p><u>Licensing Committee's Recommendation: Deny because the course is not sufficiently related to the practice of pharmacy</u></p> <p>2. Review of Pharmacy Intern Applications:</p>	

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		<p>a. AD- The intern is requesting an extension/renewal of his intern license which expires on 12/31/2018. Until September, he was unable to earn intern hours because he was working fulltime as Associate Professor in Pharmaceutical Science. As of September 2018 he started earning internship hours working in a pharmacy. In December, he registered as a pharmacy technician.</p> <p><u>Licensing Committee's Recommendation:</u> <u>Approve an extension for one year and terminate his Pharmacy Technician license</u></p> <p>3. Review of Pharmacy Technician Applications:</p> <p>a. DD- The applicant began the Technician Training program in August 2018. She is requesting an extension as she is recovering from emergency surgery that she had in October. The applicant does not expect to return to the pharmacy until February 2019. She expects she will need an additional 2-3 months to complete her program.</p> <p><u>Licensing Committee's Recommendation:</u> <u>Approve a 6-month extension</u></p> <p>4. Review of Distributor Applications:</p> <p>5. Review of Pharmacy Applications:</p> <p>a. #P07853-Pharmacy is requesting a refund of the pharmacy renewal fee of \$500.</p> <p>The renewal fee was paid on 05/05/2018 under P07853. An ownership change occurred on 10/2018 and the pharmacy had to pay \$700.</p> <p><u>Licensing Committee's Recommendation: Deny</u></p>	

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		<p>6. Review of Pharmacy Technicians Training Programs:</p> <p>a. New Destiny Health Career Center <i><u>Licensing Committee's Recommendation:</u></i> <u>Approve</u></p> <p>b. Jarrettsville Pharmacy Update to Program <i><u>Licensing Committee's Recommendation:</u></i> <u>Approve</u></p> <p>7. New Business:</p>	
C. Public Relations Committee	E. Yankellow, Chair	Public Relations Committee Update:	
D. Disciplinary	J. Hardesty, Chair	Disciplinary Committee Update	
E. Emergency Preparedness Task Force	N. Leikach, Chair	Emergency Preparedness Task Force Update	
IV. Other Business & FYI	K. Morgan, President		
V. Adjournment	K. Morgan, President	<p>A. The Public Meeting was adjourned.</p> <p>B. K. Morgan convened a Closed Public Session to conduct a medical review committee evaluation of confidential applications.</p> <p>C. The Closed Public Session was adjourned. Immediately thereafter, K. Morgan convened an Administrative Session for purposes of discussing confidential disciplinary cases.</p>	

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		<p>D. With the exception of cases requiring recusals, the Board members present at the Public Meeting continued to participate in the Closed Public Session and the Administrative Session.</p>	